APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,818.	11/13/2003	Takehiro Nakayama	245395US90	7869

22850   7590   07/05/2007
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
HUYNH, CHUCK

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
07/05/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 April 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 4-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2 and 4-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   The Art Unit location of your application in the USPTO has changed. To aid in

correlating any papers for this application, all further correspondence regarding this

application should be directed to Art Unit 2617.

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

4/12/2007 has been entered.

Response to Arguments

1.   Applicant's arguments with respect to claims 1-13 have been considered but are

moot in view of the new ground(s) of rejection.

Wheeler discloses a value entity as an account number used for authentication

and requesting services. Once authenticated, the brokerage firm sends application data

to the PDA for display and for user to use and access ([0195]-[0203]). Specifically, the

PDA displays a menu of available transactions, such as making a purchase of a security

[0200]; furthermore, the PDA will compose an electronic message to the brokerage firm

of the purchasing of a security and a sale amount equivalent to the security along with

the account number. This operation is part of the menu application, which is

downloaded and received from the brokerage firm [0200] and used to make the

purchase, by composing and transmitting of an electronic message that includes a sale

amount of a particular security.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claim 1, 2, 4, 5, and 7-15 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Wheeler et al. (US 2002/0026575; hereinafter Wheeler) in view

of Craft et al. (US 2002/0150243; hereinafter Craft) in further view of Savage et al.

(US 6847937; hereinafter Savage).

Regarding claims 1, Wheeler discloses a communication terminal comprising:

acquiring means for acquiring a value entity (an account number) accompanied

by a public key corresponding to a private key, the value entity usable as a charge

([0203]) in electronic procurement ([0113], [0124], [0195]-[0200], [0207]-[0212]);

receiving means for receiving an application (application use on PDA to access

account information received from brokerage firm) electronically signed by the private

key ([0195]-[0203], specifically [0200]), through an ad hoc (wireless communication

medium: [0114]) network, the application for transmitting the value entity of an amount

equivalent to a consideration of a commodity or service to a device external to the

communication terminal when purchasing the commodity or service ([0200]: specifically,

the PDA displays a menu of available transactions, such as making a purchase of a

security [0200]; furthermore, the PDA will compose an electronic message to the

brokerage firm of the purchasing of a security and a sale amount equivalent to the

security along with the account number. This operation is part of the menu application,

which is downloaded and received from the brokerage firm [0200] and used to make the

purchase, by composing and transmitting of an electronic message that includes a sale

amount of a particular security);

verifying means for verifying the application through use of the public key ([0212];

[0195]-[0203]); and

transferring means for transferring value entity to conduct electronic procurement

through the ad hoc (wireless communication medium: [0114]) network to a device

external to the communication terminal (transmitted wirelessly to the brokerage firm) by

the use of the application when the verifying means successfully verifies the application

([0195]-[0203], specifically [0200]).

Wheeler discloses all the particulars of the limitations (even a wireless

communication network), but is unclear about an ad hoc network.

However, Craft does disclose a PDA communicating within a wireless network,

which is an ad hoc network (Page 3, [0026]).

It would have been obvious to one ordinarily skilled in the art at the time of

invention to incorporate Craft's disclosure to provide wireless communication and

connectivity.

Wheeler in view of Craft discloses all the particulars of the claim, but is not clear

on the limitation of deleting means for deleting the application after a predetermined

time has elapsed since a time when the receiving means received the application.

However, Savage does disclose the limitation of deleting means for deleting the

application after a predetermined time has elapsed since a time when the receiving

means received the application (Col 1, lines 59-61; Col 6, lines 11-14).

It would have been obvious to one ordinarily skilled in the art at the time of

invention to incorporate Savage's disclosure to provide efficient storage space.

Regarding claim 2, Wheeler discloses the communication terminal according to

Claim 1, wherein the verifying means initiates verification of the application after the

receiving means receives the application ([0198]-[0200], [0207]-[0210], [0212]), and

the communication terminal further comprises starting means for starting the

application after the verifying means successfully verifies the application (accessing the

account with the program/software data from brokerage firm at PDA after verification

and performing transaction ([0195]-[0203], specifically [0200])).

Regarding claim 5, Wheeler discloses a all the particulars of the claim such as a

value entity providing server (account number database [0014]) comprising providing

means for providing a value entity accompanied by a public key corresponding to a

specific private key, through a cellular network, for the communication terminal as set

forth in claim 1 (Fig. 2; [0144], [0205] discloses a cellular cell phone).

Regarding claim 7, Wheeler discloses the value entity providing server according

to Claim 5, wherein the public key is posted on a server accessible from a plurality of

terminals through the cellular network ([0356]).

Regarding claim 8, Wheeler discloses the value entity providing server according

to Claim 5, further comprising second verifying means for verifying integrity of the

communication terminal before the providing means provides the value entity ([0357]).

Regarding claim 9, Wheeler discloses an application delivery server comprising:

application transmitting means for transmitting the application through the ad hoc

network to the communication terminal as set forth in Claim 1 (transmitting from

brokerage firm to PDA [0195]-[0203], specifically [0200]); and

value entity acquiring means for acquiring the value entity transferred by the

transferring means of the communication terminal, through the ad hoc network

(transferring account number from PDA to brokerage firm for verification purposes

[0195]-[0203], specifically [0200]).

Wheeler discloses all the particulars of the limitations (even a wireless

communication network), but is unclear about an ad hoc network.

However, Craft does disclose a PDA communicating within a wireless network, which is an ad hoc network (Page 3, [0026]).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Craft's disclosure to provide wireless communication and connectivity.

Regarding claim 10, Wheeler discloses all the particulars of the system except the application delivery means server according to claim 9, further comprising:

receipt transmitting means for, when the value entity acquiring means acquires the value entity, transmitting receipt data electronically expressing receipt of the value entity (authenticating and responding to PDA when authenticated [0202]), via the ad-hoc network to the communication terminal.

Wheeler discloses all the particulars of the limitations (even a wireless communication network), but is unclear about an ad hoc network.

However, Craft does disclose a PDA communicating within a wireless network, which is an ad hoc network (Page 3, [0026]).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Craft's disclosure to provide wireless communication and connectivity.

Regarding claim 11, Wheeler discloses all the particulars of the claim except the application delivery server according to Claim 9, further comprising third verifying

means (Factor B verification: PIN [0199]) for verifying integrity of the communication

terminal before the transmitting means transmits the application ([0202]).

Regarding claim 12, Wheeler discloses an electronic procurement supporting

method comprising:

acquiring a value entity (an account number) accompanied by a public key

corresponding to a private key, the value entity usable as a charge ([0203]) in electronic

procurement ([0113], [0124], [0195]-[0200], [0207]-[0212]);

receiving an application (application use on PDA to access account information

received from brokerage firm) electronically signed by the private key ([0195]-[0203],

specifically [0200]), through an ad hoc (wireless communication medium: [0114])

network, the application for transmitting the value entity of an amount equivalent to a

consideration of a commodity or service to a device external to the communication

terminal when purchasing the commodity or service ([0200]: specifically, the PDA

displays a menu of available transactions, such as making a purchase of a security

[0200]; furthermore, the PDA will compose an electronic message to the brokerage firm

of the purchasing of a security and a sale amount equivalent to the security along with

the account number. This operation is part of the menu application, which is

downloaded and received from the brokerage firm [0200] and used to make the

purchase, by composing and transmitting of an electronic message that includes a sale

amount of a particular security);

verifying the application through use of the public key ([0212]; [0195]-[0203]); and

transferring the value entity to conduct procurement through the ad hoc (wireless

communication medium: [0114]) network to a device external to the communication

terminal (transmitted wirelessly to the brokerage firm) by use of the application when the

application is successfully verified ([0195]-[0203], specifically [0200]).

Wheeler discloses all the particulars of the limitations (even a wireless

communication network), but is unclear about an ad hoc network.

However, Craft does disclose a PDA communicating within a wireless network,

which is an ad hoc network (Page 3, [0026]).

It would have been obvious to one ordinarily skilled in the art at the time of

invention to incorporate Craft's disclosure to provide wireless communication and

connectivity.

Wheeler in view of Craft discloses all the particulars of the claim, but is not clear

on the limitation of deleting the application after a predetermined time has elapsed since

a time when the receiving means received the application.

However, Savage does disclose the limitation of deleting means for deleting the

application after a predetermined time has elapsed since a time when the receiving

means received the application (Col 1, lines 59-61; Col 6, lines 11-14).

It would have been obvious to one ordinarily skilled in the art at the time of

invention to incorporate Savage's disclosure to provide efficient storage space.

Regarding claim 13, Wheeler discloses a computer readable storage medium encoded with instructions, which when executed by a computer causes the computer to implement an electronic procurement supporting method comprising:

acquiring a value entity (an account number) accompanied by a public key, the value entity usable as a charge ([0203]) in electronic procurement ([0113], [0124], [0195]-[0200], [0207]-[0212]);

receiving an application (application use on PDA to access account information received from brokerage firm) signed by the private key ([0195]-[0203], specifically [0200]), through an ad hoc (wireless communication medium: [0114]) network, the application for transmitting the value entity of an amount equivalent to a consideration of a commodity or service to a device external to the communication terminal when purchasing the commodity or service ([0200]: specifically, the PDA displays a menu of available transactions, such as making a purchase of a security [0200]; furthermore, the PDA will compose an electronic message to the brokerage firm of the purchasing of a security and a sale amount equivalent to the security along with the account number. This operation is part of the menu application, which is downloaded and received from the brokerage firm [0200] and used to make the purchase, by composing and transmitting of an electronic message that includes a sale amount of a particular security);

verifying the application through use of the public key ([0212]; [0195]-[0203]); and

transferring the value entity to conduct electronic procurement through the ad hoc (wireless communication medium: [0114]) network to a device external to the

communication terminal (transmitted wirelessly to the brokerage firm) by use of the application when the application is successfully verified ([0195]-[0203], specifically [0200]).

Wheeler discloses all the particulars of the limitations (even a wireless communication network), but is unclear about an ad hoc network.

However, Craft does disclose a PDA communicating within a wireless network, which is an ad hoc network (Page 3, [0026]).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Craft's disclosure to provide wireless communication and connectivity.

Wheeler in view of Craft discloses all the particulars of the claim, but is not clear on the limitation of deleting means for deleting the application after a predetermined time has elapsed since a time when the receiving means received the application.

However, Savage does disclose the limitation of deleting means for deleting the application after a predetermined time has elapsed since a time when the receiving means received the application (Col 1, lines 59-61; Col 6, lines 11-14).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Savage's disclosure to provide efficient storage space.

Regarding claim 4, Wheeler discloses a communication terminal comprising:

acquiring means for acquiring a value entity (an account number) accompanied

by a public key corresponding to a private key, the value entity usable as a charge

([0203]) in electronic procurement ([0113], [0124], [0195]-[0200], [0207]-[0212]);

receiving means for receiving an application (application use on PDA to access

account information received from brokerage firm) electronically signed by the private

key ([0195]-[0203], specifically [0200]), through an ad hoc (wireless communication

medium: [0114]) network, the application for transmitting the value entity of an amount

equivalent to a consideration of a commodity or service to a device external to the

communication terminal when purchasing the commodity or service ([0200]: specifically,

the PDA displays a menu of available transactions, such as making a purchase of a

security [0200]; furthermore, the PDA will compose an electronic message to the

brokerage firm of the purchasing of a security and a sale amount equivalent to the

security along with the account number. This operation is part of the menu application,

which is downloaded and received from the brokerage firm [0200] and used to make the

purchase, by composing and transmitting of an electronic message that includes a sale

amount of a particular security);

verifying means for verifying the application through use of the public key ([0212];

[0195]-[0203]); and

transferring means for transferring value entity to conduct electronic procurement

through the ad hoc (wireless communication medium: [0114]) network to a device

external to the communication terminal (transmitted wirelessly to the brokerage firm) by

the use of the application when the verifying means successfully verifies the application ([0195]-[0203], specifically [0200]).

Wheeler discloses all the particulars of the limitations (even a wireless communication network), but is unclear about an ad hoc network.

However, Craft does disclose a PDA communicating within a wireless network, which is an ad hoc network (Page 3, [0026]).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Craft's disclosure to provide wireless communication and connectivity.

Wheeler in view of Craft discloses all the particulars of the claim, but is not clear on the limitation of deleting means for, when a communication with a sender of the application is disconnected after the reception of the application by the receiving means, deleting the application after a predetermined time has elapsed since the disconnection of the communication.

However, Savage does disclose deleting means for, when a communication with a sender of the application is disconnected after the reception of the application by the receiving means, deleting the application after a predetermined time has elapsed since the disconnection of the communication (Col 1, lines 59-61; Col 6, lines 11-14).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Savage's disclosure to provide efficient storage space.

Regarding claim 14, Wheeler discloses an electronic procurement supporting

method comprising:

acquiring a value entity (an account number) accompanied by a public key

corresponding to a private key, the value entity usable as a charge ([0203]) in electronic

procurement ([0113], [0124], [0195]-[0200], [0207]-[0212]);

receiving an application (application use on PDA to access account information

received from brokerage firm) electronically signed by the private key ([0195]-[0203],

specifically [0200]), through an ad hoc (wireless communication medium: [0114])

network, the application for transmitting the value entity of an amount equivalent to a

consideration of a commodity or service to a device external to the communication

terminal when purchasing the commodity or service ([0200]: specifically, the PDA

displays a menu of available transactions, such as making a purchase of a security

[0200]; furthermore, the PDA will compose an electronic message to the brokerage firm

of the purchasing of a security and a sale amount equivalent to the security along with

the account number. This operation is part of the menu application, which is

downloaded and received from the brokerage firm [0200] and used to make the

purchase, by composing and transmitting of an electronic message that includes a sale

amount of a particular security);

verifying the application through use of the public key ([0212]; [0195]-[0203]); and

transferring value entity to conduct electronic procurement through the ad hoc

(wireless communication medium: [0114]) network to a device external to the

communication terminal (transmitted wirelessly to the brokerage firm) by the use of the

application when the verifying means successfully verifies the application ([0195]-[0203], specifically [0200]).

Wheeler discloses all the particulars of the limitations (even a wireless communication network), but is unclear about an ad hoc network.

However, Craft does disclose a PDA communicating within a wireless network, which is an ad hoc network (Page 3, [0026]).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Craft's disclosure to provide wireless communication and connectivity.

Wheeler in view of Craft discloses all the particulars of the claim, but is not clear on the limitation of deleting when a communication with a sender of application is disconnected after the reception of the application by receiving means, the application after a predetermined time has elapsed since the disconnection of the communication.

However, Savage does disclose the limitation of deleting when a communication with a sender of application is disconnected after the reception of the application by receiving means, the application after a predetermined time has elapsed since the disconnection of the communication (Col 1, lines 59-61; Col 6, lines 11-14).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Savage's disclosure to provide efficient storage space.

Regarding claim 15, Wheeler discloses a computer readable storage medium

encoded with instructions, which when executed by a computer causes the computer to

implement an electronic procurement supporting method comprising:

acquiring a value entity (an account number) accompanied by a public key, the

value entity usable as a charge ([0203]) in electronic procurement ([0113], [0124],

[0195]-[0200], [0207]-[0212]);

receiving an application (application use on PDA to access account information

received from brokerage firm) signed by the private key ([0195]-[0203], specifically

[0200]), through an ad hoc (wireless communication medium: [0114]) network, the

application for transmitting the value entity of an amount equivalent to a consideration of

a commodity or service to a device external to the communication terminal when

purchasing the commodity or service ([0200]: specifically, the PDA displays a menu of

available transactions, such as making a purchase of a security [0200]; furthermore, the

PDA will compose an electronic message to the brokerage firm of the purchasing of a

security and a sale amount equivalent to the security along with the account number.

This operation is part of the menu application, which is downloaded and received from

the brokerage firm [0200] and used to make the purchase, by composing and

transmitting of an electronic message that includes a sale amount of a particular

security);

verifying the application through use of the public key ([0212]; [0195]-[0203]); and

transferring the value entity to conduct electronic procurement through the ad

hoc (wireless communication medium: [0114]) network to a device external to the

communication terminal (transmitted wirelessly to the brokerage firm) by use of the

application when the application is successfully verified ([0195]-[0203], specifically

[0200]).

Wheeler discloses all the particulars of the limitations (even a wireless

communication network), but is unclear about an ad hoc network.

However, Craft does disclose a PDA communicating within a wireless network,

which is an ad hoc network (Page 3, [0026]).

It would have been obvious to one ordinarily skilled in the art at the time of

invention to incorporate Craft's disclosure to provide wireless communication and

connectivity.

Wheeler in view of Craft discloses all the particulars of the claim, but is not clear

on the limitation of deleting when a communication with a sender of application is

disconnected after the reception of the application by receiving means, the application

after a predetermined time has elapsed since the disconnection of the communication.

However, Savage does disclose the limitation of deleting when a communication

with a sender of application is disconnected after the reception of the application by

receiving means, the application after a predetermined time has elapsed since the

disconnection of the communication (Col 1, lines 59-61; Col 6, lines 11-14).

It would have been obvious to one ordinarily skilled in the art at the time of invention to

incorporate Savage's disclosure to provide efficient storage space.

1.   **Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler in view of Craft in further of Savage in further view of Dwork.**

Regarding claim 6, Wheeler in view of Craft discloses all the particulars of the claim except that the value entity providing server according to Claim 5, wherein the providing means transmits the public key separately from the value entity to the communication terminal, prior to the provision of the value entity.

However, Dwork does disclose the value entity providing server according to Claim 5, wherein the providing means transmits the public key separately from the value entity to the communication terminal, prior to the provision of the value entity (Col 5, lines 40-50; Col 6, lines 15-19).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Dwork's disclosure to provide more security to the system, to prevent fraudulent eavesdroppers.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Huynh whose telephone number is 571-272-7866. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chuck Huynh

DUC M. NGUYEN
SUPERVISORY PRIMARY EXAMINER
TECHNOLOGY CENTER 2600